

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MITCHELL M. MOREY,

Defendant.

4:15-CR-3096

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Preliminary Order of Forfeiture (filing [24](#)). The information in this case (filing [1](#)) charged the defendant with conspiring to produce false identification documents in violation of [18 U.S.C. § 1028\(a\)\(1\), \(b\)\(1\)\(A\), and \(f\)](#). The information contained a forfeiture allegation seeking the forfeiture, pursuant to [18 U.S.C. §§ 982\(a\)\(2\)\(B\) and 1028\(b\)\(5\)](#), of:

1. \$1,320.00 in cash located and seized on December 18, 2013, near 6100 O Street, Lincoln, Nebraska;
2. \$5,260.00 in cash located and seized on December 18, 2013, at 5132 Madison, #8, Lincoln, Nebraska;
3. \$4,123.22 of proceeds contained in account number XXXXX1088 in the name of and/or for the benefit of Corey J. Lavigne at First National Bank of Omaha, Omaha, Nebraska;
4. 2007 Silver Jeep Wrangler (VIN: 1J4GA391X7L211749) purchased by Corey J. Lavigne on or about November 23, 2013 with proceeds totaling \$17,750.00;
5. \$11,985.92 of proceeds contained in account number XXXXXX1805 in the name of and/or for the benefit of Austin J. Asche at Wells Fargo Bank, Omaha, Nebraska;
6. \$24,486.22 of proceeds contained in Fidelity Investment account number XXXXX7135 in the name and/or benefit of Austin J. Asche (TIN: XXX-XX-1671);

7. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX443538339 in the name of Austin J. Asche totaling \$23,285.90;
8. 2014 White Jeep Grand Cherokee Limited (VIN: 1C4RJFBG4EC399714) purchased by Austin A. Asche on or about March 4, 2014 with proceeds totaling \$25,000.00;
9. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX110066002 in the name of Mitchell R. Morey, totaling \$15,635.92;
10. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX512961937 in the name of Christopher Ratkovec, totaling \$2,730.00;
11. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX321166847 in the name of Mike Blevins, totaling \$180.00;
12. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX825012391 in the name of Ken Buckingham, totaling \$3,690.00;
13. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX589501200 in the name of Jacob Massa, totaling \$1,010.00.

Filing 1. The defendant has pled guilty to the information and admitted the forfeiture allegation. Filings 7 and 15. By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the property, and the plaintiff should be entitled to possession of the property pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1028(B)(5). Therefore, the plaintiff's motion for preliminary order of forfeiture will be granted.

IT IS ORDERED:

1. The plaintiff's Motion for Preliminary Order of Forfeiture (filing 24) is granted.
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the information, the plaintiff is authorized to seize:

- a. \$1,320.00 in cash located and seized on December 18, 2013, near 6100 O Street, Lincoln, Nebraska;
- b. \$5,260.00 in cash located and seized on December 18, 2013, at 5132 Madison, #8, Lincoln, Nebraska;
- c. \$4,123.22 of proceeds contained in account number XXXXX1088 in the name of and/or for the benefit of Corey J. Lavigne at First National Bank of Omaha, Omaha, Nebraska;
- d. 2007 Silver Jeep Wrangler (VIN: 1J4GA391X7L211749) purchased by Corey J. Lavigne on or about November 23, 2013 with proceeds totaling \$17,750.00;
- e. \$11,985.92 of proceeds contained in account number XXXXXX1805 in the name of and/or for the benefit of Austin J. Asche at Wells Fargo Bank, Omaha, Nebraska;
- f. \$24,486.22 of proceeds contained in Fidelity Investment account number XXXXX7135 in the name and/or benefit of Austin J. Asche (TIN: XXX-XX-1671);
- g. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX443538339 in the name of Austin J. Asche totaling \$23,285.90;
- h. 2014 White Jeep Grand Cherokee Limited (VIN: 1C4RJFBG4EC399714) purchased by Austin A. Asche on or about March 4, 2014 with proceeds totaling \$25,000.00;
- i. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX110066002 in the name of Mitchell R. Morey, totaling \$15,635.92;
- j. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX512961937 in the name of Christopher Ratkovec, totaling \$2,730.00;

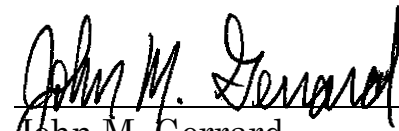
- k. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX321166847 in the name of Mike Blevins, totaling \$180.00;
 - l. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX825012391 in the name of Ken Buckingham, totaling \$3,690.00; and
 - m. Cash deposits of proceeds made into PayPal account number XXXXXXXXXXXX589501200 in the name of Jacob Massa, totaling \$1,010.00.
- 3. The defendant's interest in the property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [18 U.S.C. §§ 982\(a\)\(2\)\(B\)](#) and [1028\(b\)\(5\)](#).
 - 4. The property is to be held by the plaintiff in its secure custody and control.
 - 5. Pursuant to Supp. Admiralty and Maritime Claims R. G(4)(a)(iii)(B), the plaintiff shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
 - 6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
 - 7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged

an interest in the property as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [18 U.S.C. §§ 982\(a\)\(2\)\(B\)](#) and [1028\(b\)\(5\)](#), in which all interests will be addressed.

Dated this 19th day of November, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge